



Entered on Docket
November 18, 2009

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

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E-FILED: November 10, 2009

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:)	Case No. BKS-09-21306-BAM
)	Chapter 13
)	
)	
Cristano V. Lopez,)	Hearing Date: November 5, 2009
)	Hearing Time: 2:30 P.M.
)	
Debtor(s).)	
)	
)	

ORDER ON MOTION TO VALUE COLLATERAL, "STRIP OFF" AND
MODIFY RIGHTS OF EMC MORTGAGE (ACCT ENDING IN 7534)
PURSUANT TO 11 U.S.C. §506(a) AND §1322 BY DEBTOR

THE ABOVE MATTER having been heard at the time and date above the Court Finds as follows:

1. The Debtor's property located at 5443 RACCOON VALLEY LANE, LAS VEGAS, NEVADA, 89122 (the "Subject Property") is valued at \$161,172.00.

2. That on the filing date of the instant Chapter 13 petition, EMC MORTGAGE (ACCT ENDING IN 7534)'s claim was wholly unsecured.

IT IS THEREFORE ORDERED THAT EMC MORTGAGE (ACCT ENDING IN 7534)'s secured claim is "Stripped off" and shall be avoided pursuant to 11 U.S.C. Section 506(a) upon completion and/or discharge of the Debtors' Chapter 13;

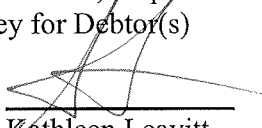
IT IS FURTHER ORDERED THAT EMC MORTGAGE (ACCT ENDING IN 7534)'s secured rights and/or lien-holder rights in the Subject Property shall be terminated upon completion of the Debtors' Chapter 13 and EMC MORTGAGE (ACCT ENDING IN 7534)'s claim shall be treated as an "unsecured" claim in the Debtors' Chapter 13;

IT IS FURTHER ORDERED THAT in the event the instant Chapter 13 matter is dismissed or converted to a Chapter 7 proceeding the instant Order shall be vacated.

DATED November 10, 2009

HAINES & KRIEGER, L.L.C.

By: /s/George Haines, Esq.
George Haines, Esq.
Attorney for Debtor(s)

Approved by: 
Kathleen Leavitt
Chapter 13 Trustee

///

ALTERNATIVE METHOD re: RULE 9021:

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

APPROVED: Kathleen Leavitt

DISAPPROVED:

FAILED TO RESPOND:

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